IN THE HIGH COURT OF JUDICTURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Smt. Kiran Paliwal. Versus State of Rajasthan & Anr.

S.B. Civil Writ Petition No. 1087/2005

and

Chhotu Ram. Versus State of Rajasthan & Anr.

S.B. Civil Writ Petition No. 4584/2005

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Date of Order: January 08, 2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. R.S. Saluja and Rakesh Arora, for the petitioners.
Mr. N.M. Lodha, for the non-petitioner No.1.
Mr. Tarun Joshi for Mr. J.P. Joshi, for the R.P.S.C.

BY THE COURT:

By these two writ petitions under Article 226 of the Constitution of India, the petitioners seek direction to the non-petitioners to re-draw the merit of the petitioners after assessing the question book-let in accordance with the answers given in the key published along with the result in the news paper and

consequent thereto if the petitioners secure marks necessary for being in cut-off limits then to provide appointment to them on the post of teacher Grade III with all consequential benefits.

Learned counsel for the parties submit that the controversy involved in the instant writ petitions stands squarely covered by the decision of this Court in Udai Singh Vs. The State of Rajasthan & ors., S.B. Civil Writ Petition No. 2145/2005 decided on 4-12-2006, whereby the writ petition was dismissed.

For the post of teachers Grade III, a competitive examination was conducted by the non-petitioner No.2 Rajasthan Public Service Commission, the result of which was declared on 5-1-2005 and in compliance of the directions issued by this Court in Chandan Mal Saharan & ors. Vs. State of Rajasthan & ors, S.B. Civil Writ Petition No. 6880/2004, the non-petitioners No.2 Rajasthan Public Service Commission re-checked the answer-sheets of the candidates who wanted such re-checking manually with regard to the examination held by the Rajasthan Public Service Commission for appointment on the post of teacher Grade III. Accordingly, under a notice dated 6.1.2005, the Secretary of the Rajasthan Public Service Commission called for the applications for manual re-checking and the petitioners also submitted their applications for re-

checking. There were some other writ petitions filed before this Court seeking the relief of re-checking of answer-sheets, which came to be rejected on the ground that there is no provision of re-checking of answer-sheets, against which D.B. Civil Special Appeal No. 325/2005 was preferred, which also came to be rejected by the judgment dated 11-7-2005 holding therein that no re-checking of answer-sheets could be ordered in absence of provision for re-checking of the answer-books. The Division Bench also held that otherwise too, since the selection process is over, no interference of this Court is warranted.

The Rajasthan Public Service Commission, in view of the judgment of the Division Bench referred above, stopped the manual re-checking and consequently the writ petitions filed by Chandan Mal Saharan & ors., as also filed by other similarly situated persons, came to be dismissed and the request for re-checking of the answer-sheets was rejected.

This Court, noticing that the process of re-checking is done by the Rajasthan Public Service Commission under the interim order of this Court, but finally noticed that there is no provision for ordering re-checking of answer-sheets and also keeping in view the decision of the Division Bench in D.B. Civil Special Appeal No. 325/2005 decided on 11-7-2005, dismissed

the writ petition. In my view, no case for interference in the extraordinary jurisdiction is made out.

In the circumstances, therefore, I do not find any merit in these writ petitions and the same are accordingly dismissed. The stay petitions also stand dismissed. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs